

App. No.: 09/966,757
Amendment dated March 18, 2009
Reply to Office Action of December 18, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

John S. Hendricks

Serial No.: 09/966,757

Filed: October 01, 2001

For: TELEVISION DELIVERY SYSTEM
HAVING INTERACTIVE ELECTRONIC
PROGRAM GUIDE

Atty. Docket No.: 007412.00281

Group Art Unit: 2424

Examiner: James R.
Sheleheda

Confirmation No.: 7416

AMENDMENT

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action mailed December 18, 2008, please amend the instant application as follows:

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Applicant requests any necessary extension of time for the submission of this paper. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 accordingly.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) ~~A television delivery system for generating an interactive electronic program guide for display on a television connected to a set top terminal, the system comprising:~~

~~— an operations center comprising:~~

~~— a means for packaging a plurality of television programs;~~

~~— a means for generating program control information including data associated with the packaging of the television programs;~~

~~— a means for combining the packaged plurality of television programs and the generated program control information before performing compression;~~

~~— a means for compressing the packaged television programs and the program control information; and~~

~~— a means for delivering the compressed packaged television programs and the compressed program control information from the operations center to a subscriber;~~

~~— a set top terminal, located at the subscriber's location, that receives the television programs from the operations center, the terminal~~ A set top terminal comprising:

a microprocessor for executing program instructions;

a graphic memory;

a graphic generator configured to generate graphics from the graphic memory for display on a television;

~~a first decompression hardware for decompressing~~ decompressor configured to decompress a video signal of the compressed packaged television programs;

a second ~~decompression hardware for decompressing the decompressor~~ configured to decompress compressed program control information, wherein the program control information comprises graphical data; and

a control ~~subscriber~~ interface for choosing an option from displayed graphics on the television and for effecting the memory location from which graphical information is generated by the graphics generator;

wherein the terminal ~~generates~~ is configured to generate an electronic program guide having a series of menus comprising:

a home menu;
a plurality of major menus displayed as menu options on the home menu;
a plurality of sub-menus displayed as menu options on the plurality of major menus; and
a plurality of during programming menus enacted after selection of a program;
~~wherein the series of menus are linked in a tree sequence and the subscriber interface comprises the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence.~~

2. (Original) The system of claim 1, wherein the guide further comprises an introductory menu that is displayed upon beginning use of the guide.

3. (Original) The system of claim 2, wherein the introductory menu is displayed automatically when the set top terminal is switched on.

4. (Currently amended) The system of claim 2, wherein the introductory menu displays information or messages from ~~the~~ an operations center.

5. (Original) The system of claim 4, wherein the information or messages are directed to a particular subscriber.

6. (Currently amended) The system of claim 4, wherein the information or messages are directed to a group of subscribers.

7. (Original) The system of claim 1, wherein the during program menus comprise hidden menus and program overlay menus.

8. (Currently amended) ~~A television delivery system for generating an interactive electronic program guide for display on a television connected to a set top terminal, the system comprising:~~

~~— an operations center comprising:~~

~~— a means for packaging a plurality of television programs;~~

~~— a means for generating program control information including data associated with the packaging of the television programs;~~

~~— a means for combining the packaged plurality of television programs and the generated program control information before performing compression;~~

~~— a means for compressing the packaged television programs and the program control information; and~~

~~— a means for delivering the compressed packaged television programs and the compressed program control information from the operations center to a subscriber;~~

~~— a set top terminal, located at the subscriber's location, that receives the television programs from the operations center, the terminal~~ A set top terminal comprising:

a microprocessor for executing program instructions;

a graphic memory;

a graphic generator configured to generate graphics from the graphic memory for display on a television;

a ~~first decompression hardware for decompressing~~ decompressor configured to decompress a video signal of the compressed packaged television programs;

a ~~second decompression hardware~~ decompressor configured to decompress for decompressing the compressed program control information, wherein the program control information comprises graphical data; and

a ~~subscriber control~~ interface for choosing an option from displayed graphics on the television and for effecting the memory location from which graphical information is generated by the graphics generator;

wherein the terminal ~~senses~~ is configured to sense one or more interactive features during a selected program, and ~~generates~~ configured to generate an electronic program guide comprising:

a logo that is displayed on the television; and

an overlay menu that is displayed during the selected program, the overlay menu including the interactive features,

wherein the logo indicates ~~to a user~~ that the interactive features are available, ~~available for the selected program, and wherein the overlay menu is displayed in response to a signal received from the control interface. a user input and wherein the overlay menu is in a series of menus that are linked in a tree sequence and the subscriber interface comprises the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence.~~

9. (Original) The system of claim 8, wherein the overlay menu includes menu options for a plurality of interactive features.

10. (Original) The system of claim 9, wherein the overlay menu further includes a menu option to return to the selected program without the interactive features.

11. (Currently amended) The system of claim 9, wherein the guide further comprises a cursor that indicates one of the menu options, wherein the cursor is controlled by the ~~user input~~ control interface.

12. (Original) The system of claim ~~9~~ 8, wherein the interactive features include quizzes, facts, or products, related to the selected program.

13. (Currently amended) The system of claim 9, wherein the electronic program guide further comprises ~~further comprising~~ a plurality of interactive submenus for use with the

interactive features, ~~which~~ wherein the submenus are displayed in response to a selection of the menu ~~items, options,~~ the selection being received from the ~~user input control interface.~~

14. (Original) The system of claim 13, wherein the submenus are displayed in a video window in a scaled-down program video format.

15. (Original) The system of claim 13, wherein the program and one or more of the submenus are displayed on the television at the same time.

16. (Original) The system of claim 8, wherein the logo is displayed as an overlay menu.

17. (Canceled)

18. (Currently amended) The system of claim ~~17~~8, wherein the ~~set top terminal generates an overlay menu including~~ includes the logo.

19. (Currently amended) The system of claim 8, wherein the overlay menu is generated by ~~a~~ the set top terminal using data received during a vertical blanking interval.

20. (Original) The system of claim 8, wherein the logo is displayed in a corner of a screen of the television periodically for a specified duration.

21. (Currently amended) The system of claim ~~20~~8, wherein the logo is displayed for fifteen seconds during a plurality of ten-minute segments of the selected program.

22. (Currently amended) ~~A television delivery system for generating an interactive electronic program guide for display on a television connected to the set to pterminal, the system comprising:~~

~~an operations center comprising:~~
~~a means for packaging a plurality of television programs;~~
~~a means for generating program control information including data associated with the packaging of the television programs;~~
~~a means for combining the packaged plurality of television programs and the generated program control information before performing compression;~~
~~a means for compressing the packaged television programs and the program control information; and~~
~~a means for delivering the compressed packaged television programs and the compressed program control information from the operations center to a subscriber;~~
~~a set top terminal, located at the subscriber's location, that receives the television programs from the operations center, the terminal~~ A set top terminal comprising:

a microprocessor for executing program instructions;
a graphic memory;
a graphic generator configured to generate graphics from the graphic memory for display on a television;
~~a first-decompression hardware~~ decompressor configured to decompress for decompressing a video signal of ~~the~~ compressed packaged television programs;
~~a second-decompression hardware~~ decompressor configured to decompress for decompressing the compressed program control information; and
a control ~~subscriber~~ interface for choosing an option from displayed graphics and for effecting the memory location from which graphical information is generated by the graphics generator;

wherein the terminal ~~generates~~ is configured to generate an electronic program guide comprising:

a plurality of interactive menus, each corresponding to a level of interactivity and having one or more interactive menu items for selection; and

a main menu having one or more main menu items for selection, which main menu items correspond to the interactive menus, wherein the menus are navigated using ~~a user~~

~~input, the control interface~~ and wherein the main menu items and the interactive menu items are responsive to selection signals received from the ~~user input, control interface;~~ and

a cursor for navigation of the menus, wherein the cursor movement corresponds to the ~~user input~~selection signals and assists in the selection of one or more menu items. ~~main menu items wherein the menus are linked in a tree sequence, and the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence.~~

23. (New) The set top terminal of claim 22, wherein the program control information comprises graphical data.

24. (New) A method comprising:

receiving compressed packaged television programs and compressed program control information from an operations center;

decompressing, with a first decompressor, a video signal of the compressed packaged television programs;

decompressing, with a second decompressor, the compressed program control information, wherein the program control information comprises graphical data;

displaying, based on the program control information, an electronic program guide having a series of menus comprising:

a home menu,

a plurality of major menus displayed as menu options on the home menu,

a plurality of sub-menus displayed as menu options on the plurality of major menus, and

a plurality of during programming menus enacted after selection of a program;
and

receiving, from a control interface, a selection of an option displayed on one of the series of menus, wherein the selection effects a memory location from which graphical information is retrieved for display on the television.

REMARKS/ARGUMENTS

The Office Action of December 18, 2008 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 4, 7, 8, 11, 13, 16, 18, 19, 21, and 22 have been amended, claim 17 has been canceled without prejudice or disclaimer, and new claims 23 and 24 have been added. Claims 1-16 and 18-24 thus remain pending in this application. No new matter has been introduced with these amendments. Reconsideration and allowance of the instant application are respectfully requested.

Rejections under 35 U.S.C. 103(a)

Claim 22

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Banker (U.S. Pat. No. 5,477,262), in view of Young (U.S. Pat. No. 4,706,121), in view of Nemirofsky (U.S. Pat. No. 5,412,416), and in view of Tokumitsu (U.S. Pat. No. 4,845,662). Applicant respectfully traverses this rejection.

According to the Office Action, Nemirofsky discloses the claim 22 feature, “a first decompressor configured to decompress a video signal of the compressed packaged television programs.” Applicant respectfully submits that Nemirofsky does not disclose such a feature. The cited portion of Nemirofsky, discusses only compression of video signals and transmission of compressed video signals to a satellite. (Nemirofsky, col. 6, line 52 - col. 7, line 13). Nemirofsky does not state or suggest how such compressed video signal are decompressed or that such signals are received in a set top terminal. Indeed, Nemirofsky has no discussion of “decompression.” The other references of record also do not disclose such a feature. The only other reference to discuss decompression is Tokumitsu. However, Tokumitsu is limited only to encoding of text characters which does not relate to “compressed packaged television programs” as recited in claim 22. (Tokumitsu, Abstract, col. 1, lines 10-53). Accordingly, the Office Action has not made a prima facie case of obviousness and claim 22 is allowable over the art of record.

Claims 1-21

Claims 1-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (U.S. Pat. No. 5,410,326) in view of Banker, Young, Nemirofsky and Tokumitsu.

Claims 8-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Gibson (U.S. Pat. No. 5,539,871), Young, Nemirofsky and Tokumitsu.

As in claim 22, the Office Action asserts with respect to claims 1 and 8 that Nemirofsky discloses “a first decompressor configured to decompress a video signal of compressed packaged television programs.” For the same reasons discussed above with respect to claim 22, Applicant respectfully submits that Nemirofsky does not disclose such a feature and that the Office Action has not made a prima facie case of obviousness with respect to claims 1 and 8.

Further, Applicant has amended claims 1 and 8 to recite, inter alia,

“a second decompressor configured to decompress compressed program control information, wherein the program control information comprises graphical data;” (emphasis added)

Applicant respectfully asserts that the alleged combinations does not disclose the claims 1 and 8 feature, “wherein the program control information comprises graphical data.” The Office Action relies on Tokumitsu for disclosing the “second decompressor,” but Tokumitsu discloses decoding only textual information (Tokumitsu, Abstract, col. 1, lines 10-53), and not “graphical data” as recited in claim 1. Accordingly, claims 1 and 8 are allowable over the art of record.

Claims 2-7, depending on claim 1, and claims 9-16 and 18-21, depending on claim 8, are allowable for at least the reasons given above with respect to their base claims and further for their specific recitations.

For example, claim 14 recites, “wherein the submenus are displayed in a video window in a scaled-down program video format.” The Office Action takes Official Notice that it is “notoriously well known in the art at the time of the invention by applicant to simultaneously display a reduced version of a menu with a plurality of selections on the same display as video programming, wherein the menu and video programming are each scaled to cover a smaller portion of the overall display to allow both to be fully displayed to the user at the same time” Applicant disputes the Official Notice taken by the Office Action in that it was not common knowledge to display submenus in a scaled-down program video format, at least in the claimed

manner. Applicants request additional documentation supporting the Official Notice, if the rejection is to be maintained on such grounds.

New Claims

Claim 23 has been added to depend on claim 22 and to recite, “wherein the program control information comprises graphical data.” Applicant asserts new claim 23 is allowable over the art of record for at least the same reasons given above for claims 1 and 8 which recite a similar feature and for the reasons given above with respect to its base claim 22.

Claim 24 has been added to recite a method with features similar to those in claim 1. Particularly, claim 24 recites, “decompressing, with a first decompressor, a video signal of the compressed packaged television programs; decompressing, with a second decompressor, the compressed program control information, wherein the program control information comprises graphical data.” As argued above with respect to claim 22, the art of record does not disclose, at least, the claim 24 feature, “decompressing, with a first decompressor, a video signal of the compressed packaged television programs.” Further, as argued above with respect to claims 1 and 8, the art of record does not disclose, at least, the claim 24 feature, “wherein the program control information comprises graphical data.” Accordingly, new claim 24 is allowable.

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CONCLUSION

All the rejections having been addressed herein, Applicant submits that the claims are in condition for allowance. The Examiner is invited to contact the undersigned attorney to expedite to advance prosecution of the application.

Respectfully submitted,

Dated this 18th of March, 2009 By: /Bradley C. Wright/

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